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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/925,016	08/09/2001	Boris Sussmann	01139	2477

23338 7590 05/16/2005

DENNISON, SCHULTZ, DOUGHERTY & MACDONALD  
1727 KING STREET  
SUITE 105  
ALEXANDRIA, VA 22314

EXAMINER
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POPHAM, JEFFREY D

ART UNIT	PAPER NUMBER
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2137

DATE MAILED: 05/16/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	09/925,016	SUSSMANN, B.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Jeffrey D. Popham	2137	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. ____   |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>20020108</u>  | 6) <input type="checkbox"/> Other: ____                                     |

***Remarks***

Claims 1-12 are pending.

***Information Disclosure Statement***

1. The information disclosure statement filed 1/8/2002 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 because:

(1) Each document in the "other documents" section does not have the proper information (author, title, date, pertinent pages, etc.).

(2) It does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information, of each patent and other documents listed that is not in the English language. The only explanation of relevance that is given by the applicant refers to a German search report, when it should contain an English translation of the relevance that the prior art has to the present application.

It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609 ¶ C(1).

### ***Specification***

2. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3. The disclosure is objected to because of the following informalities:

- Throughout the specification, "on the part of" should be "at".
- Page 6, line 13: "the Intranet" should be either "the Internet" or "an intranet".
- Page 8, line 12: "private and/or public key 20" should be "private and/or public key 26".

Appropriate correction is required.

### ***Claim Objections***

4. Claims 1, 2, 4, 6, and 8-11 are objected to under 37 CFR 1.75(a) because of the following informalities:

- Claim 1, line 4: "on the part of the sender" should be "at a sender".
- Claim 1, line 6: "on the part of the recipient" should be "at a recipient".

- Claim 1, line 8: "and validity" should be "for validity".
- Claim 1, line 15: "on the part of the recipient to the extent that" should be "at the recipient on the condition that".
- Claim 1, line 18: "to the extent that" should be "on the condition that".
- Claim 2, line 2: "authorization list is deposited in a memory" should be "authorization list is stored in memory".
- Claim 2, line 3: "on the part of the recipient" should be "at the recipient".
- Claim 4, line 4: "possible only with the corresponding rights" should be "possible only with corresponding rights".
- Claim 6, line 2: "on the part of the sender" should be "at the sender".
- Claim 6, line 4: "on the part of the recipient" should be "at the recipient".
- Claim 8, line 3: "an Intranet" should be "an intranet".
- Claim 9, line 11: "in according" should be "in accordance".
- Claim 10, line 3: "the coding device" should be "the sending unit".
- Claim 11, line 4: "regions" should be "ranges".

Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Walker et al. (U.S. Patent 6,546,492) in view of IBM AS/400 (NCSC, "International Business Machines Corporation, Application System/400 V4R4", 10/7/1999, pp. 6-5 to 6-16, obtained from <http://www.radium.ncsc.mil/tpep/library/fers/NCSC-FER-95-006-D.pdf>).

Regarding Claim 1,

Walker et al. disclose a process for transferring data into or out of a control apparatus as a memory-programmable control unit, characterized by the following operations:

Coding data at a sender with at least an individual sender identification (Column 7, lines 35-43),

Decoding data at a recipient and checking the individual sender identification for validity (Column 7, lines 46-54),

Comparison of individual sender identification with defined sender identifications (Column 7, lines 46-54), and

Rejection of data on the condition that the individual sender identification is invalid or not entered into an authorization list (Column 7, lines 55-61).

Walker et al. disclose verifying that the sender is authorized to distribute updates (Column 7, lines 50-54), but do not disclose allocation of user rights for status alteration of transferred data and/or of the control

apparatus in accordance with an authorization list filed at the recipient on the condition that the individual sender identification is entered in the authorization list.

IBM AS/400, however, discloses allocation of user rights for status alteration of transferred data and/or of the control apparatus in accordance with an authorization list filed at the recipient on the condition that the individual sender identification is entered in the authorization list (Pages 6-8 and 6-9, Section 6.2.2). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authorization list of IBM AS/400 into the update system of Walker et al. in order to allow highly controlled authorized access to data objects, wherein there is a hierarchy of access control levels with different permissions that can be set by only certain specified authorities (Pages 6-5 to 6-8, sections 6.2 and 6.2.1).

Regarding Claim 2,

Walker et al. disclose that the authorization mechanism is stored in a memory of the control apparatus at the recipient (Column 7, lines 50-54), but does not disclose that this authorization mechanism is an authorization list. IBM AS/400 discloses that the authorization mechanism is an authorization list (Pages 6-8 and 6-9, Section 6.2.2).

Regarding Claim 3,

Walker et al. disclose that a memory range of the control apparatus constructed as a memory-programmable control unit is selectively actuatable through coding of the data set to be transferred (Column 7, lines 35-43).

Regarding Claim 4,

IBM AS/400 discloses that the authorization list is individually adaptable, whereby a manipulation of the authorization list is possible only with corresponding rights (Page 6-16, Section 6.2.7).

Regarding Claim 5,

Walker et al. disclose that transfer types and/or memory ranges are defined, whereby a coding with digital signature and/or public and/or private key takes place in the event of a data transfer out of the data processing apparatus (Column 7, lines 35-43).

Regarding Claim 6,

Walker et al. disclose that the data are coded at the sender with a digital signature and a public key, and in that the data are decoded at the recipient with an associated secret key (Column 7, lines 35-54).

Regarding Claim 7,

Walker et al. disclose that the data are transmitted coded (Column 7, lines 35-43).

Regarding Claim 8,

Walker et al. disclose that the data are transferred over a data network such as an intranet or the Internet (Column 3, lines 18-34).

Regarding Claim 9,

Walker et al. disclose a control apparatus as a memory-programmable control unit, characterized in that the control apparatus has a receiver unit with a decoding unit for decoding at least a sender identification of received data (Column 7, lines 46-54), and in that the control apparatus has an authorization mechanism that checks the authorization of sender identifications (Column 7, lines 50-54), but does not disclose that the authorization mechanism is an authorization list.

IBM AS/400, however, discloses that the authorization mechanism is an authorization list in which rights for altering the status of the control apparatus are assigned to various identifications, and that the status of the control apparatus is alterable with a valid identification contained in the authorization list in accordance with the rights granted in the authorization list (Pages 6-8 and 6-9, Section 6.2.2; and Page 6-16, Section 6.2.7). It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to incorporate the authorization list of IBM AS/400 into the update system of Walker et al. in order to allow highly controlled authorized access to data objects, wherein there is a hierarchy of access control levels with different permissions that can be set by only certain specified authorities (Pages 6-5 to 6-8, sections 6.2 and 6.2.1).

Regarding Claim 10,

Walker et al. disclose that the control apparatus has a sending unit for coding data to be sent, in that in the sending unit a digital signature and/or a public key is contained for coding data (Column 7, lines 35-43).

Regarding Claim 11,

IBM AS/400 discloses that there are definable memory ranges [groups], whereby for each memory range in the authorization list, rights for different identifications are definable (Page 6-8, Section 6.2.2).

Regarding Claim 12,

Walker et al. disclose that the control apparatus is a memory-programmable control unit (Column 7, lines 50-54).

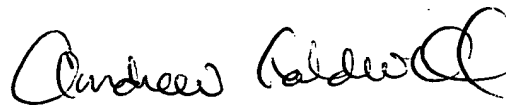
### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeffrey D. Popham whose telephone number is (571)-272-7215. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on (571)-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2137

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Andrew Caldwell". The signature is fluid and cursive, with a large, stylized "C" at the end.

**ANDREW CALDWELL**  
**SUPERVISORY PATENT EXAMINER**